



**2014**  
**BOROUGH OF DUMONT**  
**ORDINANCE**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
BROPHY	✓			
CARRICK				✓
CORREA	✓			
HAYES	✓			
RIQUELME	✓			
ZAMECHANSKY	✓			
MAYOR KELLY				
TOTALS	5			1

Ordinance No. 1472 (Revised)  
Date: April 15, 2014  
Page: 1 of 2  
Subject: Chapter 455 Zoning-West Shore Avenue  
Purpose: Amendment  
Dollar Amount: \_\_\_\_\_  
Prepared By: Gregg Paster, Esq.

Offered by: Brophy  
Seconded by: Zamechansky

Certified as a true copy of an Ordinance Adopted on 2<sup>nd</sup> Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Susan Connelly  
Susan Connelly, RMC, Municipal Clerk  
Borough of Dumont, Bergen County, New Jersey

**AMENDING CHAPTER 455-9 ZONING OF THE DUMONT CODE, BLOCK 904-  
WEST SHORE AVENUE**

**WHEREAS**, it is the express purpose of this ordinance to regulate the nature and extent of the uses of land and of building structures through zoning to the fullest extent permitted by the Municipal Land use Law, the Constitutions of the United States and the State of New Jersey, and to generally exercise the police power;

**THEREFORE, BE IT HEREBY ORDAINED** by the Mayor and Council of the Borough of Dumont, in the County of Bergen and State of New Jersey, that Chapter 455 ZONING of the Borough of Dumont Code shall be amended as hereinafter provided:

**Section 4. Annexation of limiting schedule and zoning map**

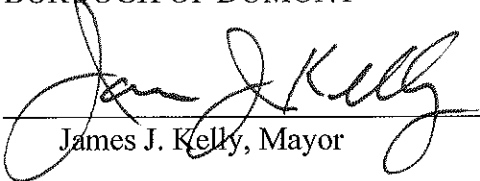
The zoning map is hereby revised and amended to reflect that block 904 on the tax map of the Borough of Dumont is and hereafter shall be designated as a B2 Business and Commercial district consistent with section 455-9 of the Borough of Dumont Code. All pre-existing non-conforming uses shall be deemed as continuing until they are abandoned by a current or future title holder or occupant.

**Invalidity.** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.


**Severability.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Effective Date.** This Ordinance shall take effect upon final passage and publication pursuant to law.

BOROUGH OF DUMONT

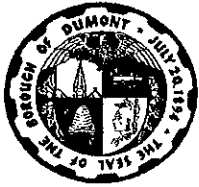
  
James J. Kelly, Mayor

ATTEST:

  
Susan Connelly, RMC  
Municipal Clerk

Introduced: March 18, 2014

Adopted: April 15, 2014



**2014**  
**BOROUGH OF DUMONT**  
**ORDINANCE**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
BROPHY	✓			
CARRICK				—
CORREA		✓		
HAYES	✓			
RIQUELME	✓			
ZAMECHANSKY	✓			
MAYOR KELLY				
TOTALS	4	1		—

**Ordinance No.** 1473

**Date:** April 15, 2014

**Page:** 1 of 12

**Subject:** Amendment of Chapter 455, Zoning

**Purpose:** Addition of Section 8-1

**Dollar Amount:** \_\_\_\_\_

**Prepared By:** Darlene Green, COAH Planner

**Offered by:** Brophy

**Seconded by:** Zamechansky

**Certified as a true copy of an Ordinance Introduced and Passed by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:**

Susan Connelly  
**Susan Connelly, RMC, Municipal Clerk**  
**Borough of Dumont, Bergen County, New Jersey**

**AMENDMENT OF CHAPTER 455, ZONING TO ADD A NEW SECTION 8-1 THAT INCLUDES THE STANDARDS FOR THE RESIDENTIAL INCLUSIONARY DISTRICT TO ENCOMPASS BLOCK 212, LOT 20 AND BLOCK 215, LOT 1**

The Residential Inclusionary District (RI) will encompass Block 212, Lot 20 and Block 215, Lot 1 within the Borough of Dumont. Chapter 455, Zoning, will be amended to add a new section that includes the standards for the RI District.

## **§455-8.1 Residential Inclusionary District**

### **A. Purpose.**

- (1) The purpose of the Residential Inclusionary District is to provide a location within the Borough of Dumont that would permit the construction of an inclusionary housing development that would include affordable housing units, available to low- and moderate-income families. The RI District is intended to provide a compatible setting for affordable housing close to bus transit and employment opportunities.

### **B. Development options. Within the Residential Inclusionary District there are two development options:**

- (1) For-sale residential development. An inclusionary housing development at a maximum density of eight (8) units per acre with a twenty-five percent (25%) affordable housing set-aside.
- (2) Rental residential development. An inclusionary housing development at a maximum density of twelve (12) units per acre with a twenty percent (20%) affordable housing set-aside.
- (3) The maximum number of units permitted on the combination of Block 212, Lot 20 and Block 215, Lot 1 shall be eighty-six (86) units.

### **C. Development Standards for Block 212, Lot 20.**

- (1) Principal permitted uses.
  - (a) Townhouse dwellings, which are defined as a one (1) family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside. No unit is located over another unit and each unit is separated from any other unit by one or more vertical common fire-resistant walls.
  - (b) Stacked townhouse dwellings, which are defined as a one (1) family unit in a row of at least three (3) such units, where units are stacked on each other. Units may be multi-level; however, all units have common fire-resistant walls and have direct access from the outside.
  - (c) Multi-family dwellings.
- (2) Accessory uses.
  - (a) Open space and recreational facilities, including, but not limited to walkways, parks, plazas, community pool.

- (b) Fence, fence wall and retaining wall.
  - (c) Trash enclosures.
  - (d) Signs.
  - (e) Off-street parking.
- (3) Prohibited uses. Any use not listed as permitted is prohibited.
- (4) Bulk requirements.

Minimums	Townhouse	Stacked Townhouse	Multi-family
Tract Size	6 Acres	6 Acres	6 Acres
Tract Frontage	400 Feet	400 Feet	400 Feet
Tract Building Setback*	45 Feet	45 Feet	45 Feet
Lot Size	2,500 SF	-	-
Lot Width	20 Feet	-	-
Lot Depth	100 Feet	-	-
Building Wall Front-to-Front Setback	75 Feet	75 Feet	75 Feet
Building Wall Side-to-Side Setback	25 Feet	35 Feet	35 Feet
Building Wall Rear-to-Rear Setback	50 Feet	50 Feet	50 Feet
Building Wall Side-to-Rear or Side-to-Front Setback	35 Feet	35 Feet	35 Feet
Green Area	40%	35%	35%
Maximums	Townhouse	Stacked Townhouse	Multi-family
Building Length	160 Feet	160 Feet	180 Feet
Number of Units per Building	6	10	18
Height in Feet	30 Feet	42 Feet	42 Feet
Height in Stories	2.5	3.5	3.5

\*This setback prohibits the construction of any buildings and/or parking lots within 45 feet of the entire tract perimeter. This setback excludes decks and/or balconies, which have a tract setback of 40 feet.

- (5) Off-street parking.
- (a) Off-street parking shall be provided as required by RSIS.
- (6) Lighting standards.
- (a) Low-pressure sodium or mercury vapor lighting is prohibited within the RI District.
  - (b) No lighting fixtures shall be located within forty-five (45) feet of the property and/or tract line.

(c) Streets.

1. Pedestrian-scaled lighting, less than fifteen (15) feet in height, shall be used along all internal streets.
2. An average of one-half (0.5) footcandle illumination shall be maintained over the sidewalks.
3. Street light fixtures shall be full cut off.

(d) Parking lots.

1. Parking lot lighting shall be no more than twenty (20) feet in height.
2. An average of one-half (0.5) footcandle shall be maintained within residential parking lots.
3. Parking lot fixtures shall be full cut off.

(7) Landscape standards.

(a) Tract buffer.

1. A minimum twenty-five (25) foot wide landscaped buffer shall be provided around the perimeter of the tract.
2. Buffer plantings shall consist of a combination of shade trees, evergreen trees, ornamental trees and shrubs to provide a natural looking buffer while providing a visual screen.
3. Buffer plantings shall be a mixed planting and shall include the following:
  - a. One (1) shade tree for every fifty (50) linear feet of buffer
  - b. One (1) evergreen tree for every thirty (30) linear feet of buffer;
  - c. One (1) ornamental tree for every fifty (50) feet of buffer; and
  - d. Ten (10) shrubs for every seventy-five (75) linear feet of buffer.
4. Buffer plants shall be the following size at the time of planting:
  - a. Shade trees shall be planted at a minimum three (3) inch caliper and shall be a minimum of twelve (12) to fourteen (14) feet in height, balled and burlapped.
  - b. Evergreen trees shall be planted at a minimum height of seven (7) feet, balled and burlapped.

- c. Ornamental trees shall be planted at a minimum two (2) inch caliper and shall be a minimum of eight (8) feet in height, balled and burlapped.
  - d. Shrubs shall be of a variety that matures at a minimum height of six (6) feet and shall be planted at a minimum of thirty-six (36) inches in height. Fifty percent (50%) of shrubs shall be evergreen.
- 5. Shade trees shall be considered deciduous trees that mature to a height of fifty (50) or greater feet. Evergreen trees shall be considered trees which mature to a height of forty (40) or more feet and have a mature width of over ten (10) feet. Should narrower varieties of evergreens be proposed for buffer plantings, additional plants shall be required to achieve a visual screen.
  - 6. No more than twenty-five percent (25%) of the plantings shall be of the same species and/or variety of plant.
  - 7. Existing trees within the proposed buffer areas that are healthy shall be maintained and may be counted toward the planting requirements.
  - 8. Proposed buffer plantings shall be arranged in a natural staggered pattern and shall not be lined up in straight, single rows.

(b) Street trees.

- 1. Street trees shall be provided along both sides of all internal streets.
- 2. The following street tree species are appropriate for New Jersey:
  - a. Small trees to be planted thirty (30) feet on center:
    - i. Pyramidal European hornbeam.
    - ii. Goldenchain.
    - iii. Kwanza cherry.
    - iv. Pink Flair cherry.
    - v. Okame cherry.
  - b. Average trees to be planted forty (40) feet on center:
    - i. Regent scholar tree.
    - ii. Chinese elm.
    - iii. October glory maple.

- iv. Rosehill ash.
  - v. Katsure tree.
  - vi. Maidenhair tree.
  - vii. Shademaster locust.
  - viii. Coffeetree.
  - ix. Greenspire linden.
  - x. Village green zelkova.
  - xi. Patmore ash.
  - xii. Red sunset maple.
- c. Large trees to be planted fifty (50) feet on center:
    - i. Green mountain sugar maple.
    - ii. London plane-tree.
    - iii. Red oak.
    - iv. Sovereign pin oak.

- 3. Trees shall be a minimum of three (3) inches caliper.
- 4. Trees shall be disease resistant and tolerant of road salts and air pollution.
- 5. Branching height should bear a relationship to the size and species of the tree, but shall have a minimum clearance height of seven (7) feet above grade before branching begins.
- 6. No more than thirty-three percent (33%) of the street trees shall be of the same species and/or variety.

(c) Green areas.

- 1. For every acre of green area, the following minimums shall be planted:
  - a. Twenty (20) shade trees
  - b. Ten (10) ornamental trees
  - c. Five (5) evergreen trees
  - d. Forty (40) shrubs
- 2. Said plants shall be the following size at the time of planting:
  - a. Shade trees shall be planted at a minimum three (3) inch caliper and shall be a minimum of twelve (12) to fourteen (14) feet in height, balled and burlapped.



- b. Ornamental trees shall be planted at a minimum two (2) inch caliper and shall be a minimum of eight (8) feet in height, balled and burlapped.
  - c. Evergreen trees shall be planted at a minimum height of seven (7) feet, balled and burlapped.
  - d. Shrubs shall be planted at a minimum of twenty-four (24) inches in height and/or spread.
3. The plants shall be strategically placed to assist with privacy between units, such as building side walls and building rear walls.

(8) Design standards.

(a) Architecture.

- 1. Building facades visible from a public street shall consist of brick, stone, cast stone, cedar shakes or other high-quality material.
- 2. Buildings shall generally relate in scale and design features to the surrounding buildings in the development. Buildings shall reflect a continuity of treatment obtained by maintain the building scale or by subtly graduating changes; by maintain base courses; by continuous use of front porches on residential buildings; by maintain cornice lines in building of the same height; or by extending horizontal lines of fenestration.
- 3. Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as balconies, canopies and recesses shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similar, roofline offsets, dormers or gables shall be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
  - a. The maximum spacing between building wall offsets shall be thirty (30) feet.
  - b. The minimum projection or depth of any individual vertical offset shall not be less than two (2) feet.

c. The maximum spacing between roof offsets shall be forty (40) feet.

4. The architectural treatment of the front façade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors and details.
5. Gable and hipped roofs shall be used to the greatest extent possible. Both gable and hipped roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall. Flat roofs are permitted only as part of a green roof or renewable energy system, provided that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building wall plane.
6. Fenestration shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
7. All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
8. Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving device shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.

(b) Bedrooms.

1. No more than forty percent (40%) of the total unit count may be two-bedroom units.
2. No more than ten percent (10%) of the total unit count may be three-bedroom units.

(c) Trash enclosures.

1. Trash enclosures shall not be visible from any public street.
2. All trash enclosures shall be screened by a solid masonry wall on three (3) sides and heavy-duty gate closures on the fourth side.

3. The trash enclosure shall be surrounded by a mixture of deciduous and evergreen plant species that is a minimum of six (6) feet tall at planting.
- (d) Utilities. All utilities shall be underground within Block 212, Lot 20.
- (9) Signage standards. The following types of signage are permitted within the RI District:
  - (a) Monument signs.
    1. One (1) monument sign shall be permitted to identify the residential development.
    2. The total area of the monument sign, including the sign face and support structure shall be limited to forty (40) square feet.
    3. The height of the sign shall not exceed a height of five (5) feet above the grade.
    4. Monument signs shall be set back a minimum of ten (10) feet from any property line.
    5. A double-faced sign shall be counted as (1) sign.
    6. Monument signs may be illuminated by shielded floodlights only.
  - (b) Street address signs.
    1. Street address signage is required on each building or individual unit.
    2. Numbers shall be a maximum of eight (8) inches in height.

**D. Development Standards for Block 215, Lot 1.**

- (1) Principal permitted uses.
  - (a) Single-family dwellings.
  - (b) Duplex dwellings, which are defined as a building containing two (2) single-family dwelling units totally separated from each other by a contiguous wall extending from ground to roof.
  - (c) Townhouse dwellings, which are defined as a one (1) family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside. No unit is located over another unit and each unit is separated from any other unit by one or more vertical common fire-resistant walls.
- (2) Accessory uses.
  - (a) Home professions and occupations.
  - (b) Garage.
  - (c) Pool.

- (d) Personal recreation structure, including gazebos and cabanas.
  - (e) Shed.
  - (f) Fence, fence wall and retaining wall.
  - (g) Off-street parking.
- (3) Prohibited uses. Any use not listed as permitted is prohibited.
- (4) Bulk requirements.

Minimums	Single-Family	Duplex	Townhouse
Lot Size	6,000 SF	8,000 SF	2,500 SF
Lot Width	60 Feet	80 Feet	20 Feet
Lot Depth	100 Feet	100 Feet	100 Feet
Front Yard Setback	25 Feet	25 Feet	25 Feet
Side Yard Setback	8 Feet	10 Feet	-
Rear Yard Setback	30 Feet	30 Feet	30 Feet
Green Area	50%	45%	40%
Maximums	Single-Family	Duplex	Townhouse
Floor to Area Ratio	40%	50%	-
Height in Feet	30 Feet	30 Feet	30 Feet
Height in Stories	2.5	2.5	2.5

- (a) Minimum spacing between townhome side walls: twenty-five (25) feet
  - (b) Maximum number of townhomes in a row in a building: four (4)
- (5) Off-street parking. Off-street parking shall be provided as required by RSIS.
- (6) Design standards.
- (a) Flat roofs are not permitted on principal structures.
  - (b) Building facades visible from a public street shall consist of brick, stone, cast stone, cedar shakes or other high-quality material.
  - (c) Duplex dwellings and townhome dwellings shall be designed to have to include building wall offsets (projections and/or recesses) to provide architectural interest and vary the massing of a building and relieve the negative visual effect of a single, long wall.
    1. The maximum spacing between building wall offsets shall be twenty-five (25) feet.
    2. The minimum projection or depth of any individual vertical offset shall not be less than two (2) feet.

#### **E. Affordable Housing Requirements for the Residential Inclusionary District.**

- (1) For a for-sale development, twenty-five percent (25%) of the residential component shall be low- and moderate-income housing meeting all COAH and UHAC requirements. The affordable units shall be located on-site.
- (2) For a rental development, twenty percent (20%) of the residential component shall be low- and moderate-income housing meeting all COAH and UHAC requirements. The affordable units shall be located on-site.
- (3) Block 215, Lot 1 is not required to provide any affordable housing units on-site. The affordable housing obligation may be entirely located on Block 212, Lot 20 or distributed across both parcels.
- (4) The developer/property owner shall be responsible for retaining a qualified Administrative Agent to manage their affordable housing program.

**F. Community Impact Study.**

- (1) Any application submitted to the Planning Board or Board of Adjustment shall be accompanied by a Community Impact Study analyzing the proposed development and its expected impact upon existing facilities and services in the Borough.
- (2) The Community Impact Study shall address the following areas:
  - (a) Population impact. The Applicant shall provide an analysis of the number of people expected to be added to the municipal population as a result of the proposed development. The analysis shall provide the following age cohorts:
    1. Preschool children, zero (0) to four (4) years of age.
    2. School-aged children, five (5) to eighteen (18) years of age.
    3. Young adults, nineteen (19) to thirty (30) years of age.
    4. Middle-aged adults, thirty-one (31) to sixty-two (62) years of age.
    5. Senior citizens, over sixty-two (62) years of age.
  - (b) School impact. The Applicant shall provide an analysis of:
    1. The anticipated number of pupils who will be added to the public school student population in the Borough.
    2. The ability of the existing public school facilities to absorb the expected student population during a ten (10) year period.
    3. The expected cost of increased teaching staff, which may be necessary as a result of the number of pupils who will be added to the student population.

(c) Services impact. The Applicant shall provide an analysis of the impact of the development upon the following services:

1. Police protection.
2. Fire protection.
3. Ambulance service.
4. Solid waste disposal.
5. Sewer.
6. Snow plowing.

(d) Financial impact. The Applicant shall provide an analysis of the revenue expected to be generated from the development proposal compared to the anticipated costs to service the development. Projected revenues and costs shall be shown for the Borough, Borough school system and the County of Bergen.

**G. Off-Tract Water and Sewer Improvements.** The developer shall be responsible for water and sewer infrastructure upgrades necessary for the development of Block 212, Lot 20 and Block 215, Lot 1

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James J. Kelly, Mayor

ATTEST:

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Susan Connelly, RMC  
Municipal Clerk

Introduction: April 15, 2014  
Adoption: